

CUSTOMER NO.: 24498
Serial No. 10/770,716
Final Office Action dated: 01/02/08
Response dated: 02/19/08

PATENT
PA030006

Remarks/Arguments

Reconsideration of this application as amended is respectfully requested. Claims 1, 3 and 5 have been amended; claims 2 and 4 have been previously canceled. As a result, claims 1, 3, 5 and 6 are in this application and are presented for the Examiner's consideration in view of the following comments.

Claims 1, 3, 5 and 6 have been rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,966,496 issued October 12, 1999 to Takimoto (*Takimoto*). Applicants have amended independent claims 1, 3 and 5.

Claim 1 has been amended by including the feature that the "recording means suppresses starting automatically a further recording when the detection means does not detect a change in the video standard". Claim 3 has been amended by including the step of "suppressing recording the digital stream as a further recording if no change in the video standard of the video signal is detected". Finally, claim 5 has been amended by including the feature of "suppressing recording automatically the digital stream as a second recording if no change from a first video standard to a second video standard is detected". Support for these amendments can be found in the description, for example page 5, line 24 to page 6, line 5. No new matter has been added.

In the office action, the Examiner states that *Takimoto* shows in FIG. 3 that every track has a subcode that identifies the video standard of the track, which means that one track cannot have more than one kind of video standard recorded in it. To this Applicants agree. It is further disclosed by *Takimoto*, e.g., see col. 4, lns. 45-47, that 10 tracks are required to record an NTSC video signal frame which is equal to 1/30 seconds.

In contrast to *Takimoto*, Applicants' claim 1 now requires suppressing starting automatically a further recording when the detecting mean does not detect a change in the video standard. Nowhere is this shown, or suggested, by *Takimoto*. Indeed, it would be apparent to a person skilled in the art that the video standard does not change

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10 times within 1/30 second and therefore new tracks are recorded in the disclosure of *Takimoto* when the video standard does not change.

Further, with reference to Applicants' disclosure on p. 4, lns. 16-18, the term "recording" is preferred to the term "track" which can also be found. The term "recording" does not correspond to a "physical track", which is disclosed by *Takimoto* in FIG. 3. Thus, with regard to Applicants' claim 1, the recording means automatically starts a further recording when the detecting means detects a change in the video standard. Yet, *Takimoto* does not disclose automatically starting a further recording when the detecting means detects a change in the media be the video standard. Rather, *Takimoto* discloses that a new physical track is started when there is a change in the video standard.

In view of the above, claim 1 is patentable over *Takimoto*. Similar arguments apply to Applicants' independent claims 3 and 5.

Therefore, Applicants respectfully submit that Applicants' independent claims 1, 3 and 5 are not anticipated by *Takimoto*. As such, dependent claim 6 is also in condition for allowance.

As it is believed that all of the objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

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If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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